

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
JULY 17, 2003
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, July 17, 2003, at 6:00 p.m., in the Municipal Building, 45 East Broad Street. Invocation was given by Mayor Womack. Pledge of Allegiance was led by Mayor Womack. Mayor Womack then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

Also present: Jim Shipley, City Manager; Stephanie Miller, City Clerk; and Mike O'Mara, City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Councilman Davis made a motion, seconded by Vice-Mayor Qualls, to remove item #11 - consider approval of GIS Data Exchange Agreement; and replace with – consider approval of legal fees concerning wastewater permit appeal. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**RECOGNIZE VOLUNTEER
OF THE MONTH**

P R O C L A M A T I O N

Whereas: the Veterans Honor Guard is being honored as Cookeville's July "Volunteers of the Month"; and

Whereas: the 24 veterans that make up the Honor Guard provide an immeasurable service to families of deceased men and women who have served their country in the Armed Services; and

Whereas: Out of extreme patriotism, love of freedom and country, and pride in their military heritage, these men have come together to help bereaved families say farewell to their loved ones in a manner of dignity, honor and respect; and

Whereas: they serve as casket guards, present flags, 21 gun salutes and play Taps at the cemetery, often acting as pallbearers; and

Whereas: our community is greatly blessed to have these brave heroes providing honor where honor is due; they have touched the hearts and lives of our entire community by making the funerals of our fallen soldiers more beautiful, respectable and memorable.

Now, therefore, I, Dr. Charles Womack, Mayor of the City of Cookeville, do hereby proclaim a sense of profound appreciation to the Veterans Honor Guard for their commitment to this community and commend you as Cookeville's Volunteers of the Month.

This 17th day of July, 2003.

Mayor Charles T. Womack, MD

**COOKEVILLE CITY COUNCIL
MINUTES
JULY 17, 2003**

The Council also recognized the late Louis Johnson (former Cookeville Councilman) and extended sympathy to his family.

OLD BUSINESS:

**CONSIDER APPROVAL OF MINUTES
OF COUNCIL MEETING HELD ON
JULY 3, 2003**

Councilman Sallee made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Councilman Davis. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O03-06-13,
PROVIDING A TAX LEVY FOR THE
2003-2004 FISCAL YEAR**

Vice-Mayor Qualls made a motion, seconded by Councilman Davis, to approve on second and final reading Ordinance #O03-06-13. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O03-06-14,
AUTHORIZING APPROPRIATIONS
FOR FINANCIAL AID TO PUBLIC
SERVICE, NON-PROFIT, AND
CHARITABLE ORGANIZATIONS
FOR THE 2003-2004 FISCAL YEAR**

Councilman Davis made a motion, seconded by Vice-Mayor Qualls, to approve on second and final reading Ordinance #O03-06-14. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
JULY 17, 2003**

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O03-06-15,
MAKING APPROPRIATIONS FOR
THE VARIOUS FUNDS, DEPTS.,
AND AGENCIES OF THE CITY
OF COOKEVILLE, TENNESSEE
FOR THE 2003-2004 FISCAL YEAR**

Councilman Sallee made a motion, seconded by Councilman Davis, to approve on second and final reading Ordinance #O03-06-15. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O03-06-18,
TO ESTABLISH AN OCCUPATIONAL
SAFETY & HEALTH PROGRAM**

Councilman Davis made a motion, seconded by Councilman Sallee, to approve on second and final reading Ordinance #O03-06-18. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O03-06-11,
AMENDING THE OFFICIAL
ZONING CODE OF THE CITY
OF COOKEVILLE, TN, AS
ADOPTED BY ORDINANCE
#O01-11-15 ON 12-20-01 AND AS
SUBSEQUENTLY AMENDED,
BY REVISING CERTAIN
PROVISIONS OF SECTION 207,
GENERAL SIGN REGULATIONS**

Councilman Sallee made a motion, seconded by Vice-Mayor Qualls, to approve on second and final reading Ordinance #O03-06-11. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

COOKEVILLE CITY COUNCIL
MINUTES
JULY 17, 2003

NEW BUSINESS:

HOLD A PUBLIC HEARING ON
THE ANNUAL PROGRESS
REPORT ON THE PLAN OF
SERVICES FOR THE EAST
HIGHWAY 70N INTERSTATE
40 ANNEXATION AREA

NOTICE OF PUBLIC HEARING
CITY OF COOKEVILLE
ANNUAL PROGRESS REPORT
PLAN OF SERVICES FOR ANNEXATION AREA

Notice is hereby given that the Cookeville City Council will hold a Public Hearing at its meeting on Thursday, July 17, 2003 at 6:00 p.m. in the Council Room at the Cookeville City Hall. The purpose of this Hearing is to present an Annual Progress Report on the status of extending services to the East Highway 70N-Interstate 40 Annexation Area as specified in the respective Plan of Services. All interested citizens are invited to attend this Hearing. The Progress Report for the annexation area is as follows:

ANNUAL PROGRESS REPORT
PLAN OF SERVICES
EAST HIGHWAY 70N – INTERSTATE 40 ANNEXATION AREA

The Cookeville City Council, through Resolution R00-09-24, adopted a Plan of Services for the annexation of certain territory identified as the East Highway 70N – Interstate 40 Annexation Area. The annexation of this area became effective on January 7, 2001. *Tennessee Code Annotated*, Section 6-51-108 requires that a report be prepared and published on the progress of extending the services to the annexation area as specified in the Plan of Services. According to the Directors of the applicable City Departments, the following progress has been made toward extending the services specified in the Plan of Services for the East Highway 70N – Interstate 40 Annexation Area:

Police and Fire Protection
Police and fire protection are provided to the annexation area as specified in the Plan of Services. The annexed area is located within the service area of Fire Station # 4 located off Highway 111.

Water
Water service at the inside city rate is now provided to the annexed area by the City of Cookeville. Approximately 6,750 feet of 6 inch water mains and 13 fire hydrants have been installed in the area since annexation. The Plan of Services specifies that any necessary upgrades in water service will be completed within 15 years after the effective date of annexation.

Sanitary Sewer
The first phase of the extension of sewer service to the annexation area, serving approximately 35 parcels along Highway 70N has been completed. The Plan of Services specifies that sanitary sewer service will be provided based on the same criteria, standards and policies used to determine the expansion of sanitary sewer service in the unserved portions of the present corporate limits.

Solid Waste Collection and Disposal
Solid waste collection and disposal is provided to the annexation area as specified.

Streets
Street maintenance is provided to the annexation area as specified.

Planning and Zoning and Inspection Services
Planning and zoning and inspection services are provided to the annexation area as specified.

Recreational Facilities
The residents of the annexation area are able to use all municipal recreational facilities as specified.

Natural Gas
Those property owners already provided natural gas service by the City of Cookeville have had their rates reduced to the city rate. The Plan of Services specifies that natural gas service will be provided at city rates within five years after the effective date of annexation to that portion of the annexation area located north of Interstate 40 and within ten years to that portion of the annexation area located south of Interstate 40. The Cookeville Gas Department reports that all properties desiring natural gas service north of Interstate 40 have been provided service.

Electrical Service and Street Lighting
The Cookeville Electric Department is pursuing necessary measures to acquire the service area from the Upper Cumberland Electric Membership Cooperative. The Plan of Services specifies that electric service at city rates and street lighting will be provided within three years after the city acquires the service area. The Electric Department reports that streets lights have been installed along Highway 70N to Whitson Chapel Road.

Street Name Signs
Street name signs have been provided to the annexation area.

James Mills
Planning Director

Mr. Joseph Gabriel, owner of Alpine Lodge – 2021 E. Spring Street, requested city electric & interstate lighting at Highway 70 exit.

CONSIDER RESOLUTION #R03-07-13,
AUTHORIZING THE SUBMITTAL
OF APPLICATION FOR FUNDING
THROUGH THE U.S. DEPT. OF
AGRICULTURE FOR THE
SOCCER COMPLEX

Jim Shipley, City Manager, gave a brief report on the status of the soccer complex construction.

Councilman Sallee made a motion, seconded by Vice-Mayor Qualls, to adopt Resolution #R03-07-13. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
JULY 17, 2003**

**CONSIDER APPROVAL OF LEGAL
FEES CONCERNING WASTEWATER
PERMIT APPEAL**

MEMORANDUM

TO: City Manager
City Council

FROM: Ronnie J. Kelly, Director *RJK*

DATE: July 16, 2003

SUBJ: Request to increase legal fee ceiling concerning wastewater permit appeal

I would like to request that this item be added to the July 17 City Council agenda.

I am requesting that the City Council authorize our department to enter into an amended engagement letter for representation during our on going NPDES Permit appeal. Our previous engagement letter capped our fees at \$100,000 and we have now reached that amount.

Mr. Penny has proposed a cut in his hourly rate for the remaining time frame on this project. I have included a copy of his letter for your review.

It is my recommendation that the City Council authorize our department to enter into a new engagement letter at the proposed hourly rate with a not to exceed cap of \$50,000, excluding expenses.

If you have any questions please feel free to give me a call.

Vice-Mayor Qualls made a motion, seconded by Councilman Davis, to approve legal fees for the permit appeal attorney not to exceed cap of \$50,000, excluding expenses. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER APPOINTMENT OF
THE CITY ATTORNEY FOR
A TWO (2) YEAR TERM**

Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to reappoint Mr. T. Michael O’Mara, as City Attorney, for another two (2) year term. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

COOKEVILLE CITY COUNCIL
MINUTES
JULY 17, 2003

CONSIDER APPOINTMENT OF
THE CITY JUDGE FOR
A TWO (2) YEAR TERM

Councilman Davis made a motion, seconded by Councilman Sallee, to reappoint Mr. David W. Ledbetter, as City Judge, and Mrs. Joy Buck Gothard, as Substitute Judge, due to illness, recusal, or other absence of the appointed city judge, for two (2) year terms. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

CONSIDER AWARDING BID FOR
SAND HAULING – SOCCER
COMPLEX - PUBLIC WORKS
DEPARTMENT

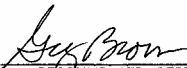


CITY OF COOKEVILLE, TENNESSEE
BID TABULATION RECORD

DELIVERY OF MASON SAND
FOR SOCCER COMPLEX

DEPARTMENT:	Public Works	BIDS OPENED BY:	Greg Brown
BID DATE:	July 8, 2003	BIDS REVIEWED BY:	Greg Brown
BID TIME:	9:00 A.M.		

BIDDER	PRICE PER TON	APPROXIMATELY 5000 TON
SAND PRODUCTS	\$3.20	\$16,000.00
SWIFT CONSTRUCTION	\$3.50	\$17,500.00

WE THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM SAND PRODUCTS, LLC BE
AWARDED FOR THE FOLLOWING REASON: LOW BIDDER

 RECOMMENDED: DEPT. DIRECTOR	 APPROVAL: CITY MANAGER	 BUDGET AVAILABILITY: FINANCE DIRECTOR	Soccer Note to be issued
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COOKEVILLE CITY COUNCIL
MINUTES
JULY 17, 2003

Councilman Sallee made a motion, seconded by Councilman Davis, to award the sand hauling bid as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

CONSIDER AWARDING BID FOR
TRANSFORMERS – ELECTRIC
DEPARTMENT

CITY OF COOKEVILLE
BID TABULATION SCHEDULE
BID NOTICE # 03062001

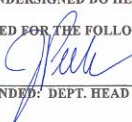
DATE OF BID OPENING: 7/1/2003
BIDS OPENED BY: Glenn Greenwood
BIDS WITNESSED BY: Brian Bohannon
DEPARTMENT: Electric


TIME: 2:00 PM CST

BIDDERS	QTY	300 KVA Pad Transformer	2 evaluated cost						
Wesco		\$5,068.00 \$ 10,136.00	\$ 11,782.32						
Stuart Irby		\$5,171.00 \$ 10,342.00	\$ 11,945.51						
Hughes		\$5,520.00 \$ 11,040.00	\$ 11,802.49						
Tennessee Valley		\$5,074.00 \$ 10,148.00	\$ 10,757.67						
Power Supply		\$4,924 \$ 9,848.00	\$ 11,272.65						

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Tennessee Valley.

BE AWARDED FOR THE FOLLOWING REASON: low evaluated bid meeting specs.


RECOMMENDED: DEPT. HEAD


APPROVAL: CITY MANAGER

Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to award the transformer bid as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
JULY 17, 2003**

HEARING OF CITIZENS AND/OR DELEGATIONS:

Attorney Brian Paddock spoke concerning wastewater permit fees/303(d) list.

There being no further business to discuss, Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to adjourn the meeting at 6:45 p.m. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee

ABSENT: Councilman Ricky Shelton

The City Clerk announced that the motion carried.

Charles Womack, Mayor

ATTEST:

Stephanie Miller, City Clerk